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B I L L

TO

Amend the Law as to the erection of buildings and the making and improvement of streets in connection with the reconstruction of areas, streets, and buildings recently damaged or destroyed in Dublin, and for other purposes incidental thereto.

A.D. 1916.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 1.—(1) Where the right honourable the lord mayor, aldermen, and burgesses of the city of Dublin (in this Act referred to as "the corporation") require to purchase land under the Public Health (Ireland) Acts, 1878 to 1907, for the purpose of widening, opening, enlarging or otherwise improving 10 streets, or making new streets in the city of Dublin in connection with the reconstruction of areas, streets, houses or buildings destroyed or damaged in the course of the recent disturbances, they may be authorised to purchase the land compulsorily by means of an order submitted to the Local Government Board 15 and confirmed by that Board in accordance with the schedule to this Act.

Acquisition
of land com-
pulsorily for
the purpose
of street im-
provements.

(2) The procedure under this section for the compulsory purchase of land shall be substituted for the procedure for the compulsory purchase of land under section two hundred and 20 three of the Public Health (Ireland) Act, 1878, as amended by any subsequent enactment.

2.—(1) Section forty-one of the Public Health (Ireland) Act, 1878, as amended by any subsequent enactment, shall be extended so as to enable the corporation to make byelaws with

Byelaws
as to new
buildings.

[Bill 82]

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2 *Dublin Reconstruction (Emergency Provisions). [6 & 7 Geo. 5.]*

A.D. 1916. respect to the structure, materials, design, alinement, and general symmetry of new buildings for the purpose of securing amenity and convenience in the reconstruction of areas, streets, houses, or buildings destroyed or damaged as aforesaid and as respects any byelaws proposed to be made under that section as so extended, 5 section two hundred and twenty-one of that Act (which relates to confirmation of byelaws) shall apply with the substitution of "eight days" for "one month."

Loans in aid of expenses of reconstruction. 3.—(1) Subject to the provisions of this section the corporation may advance money on the security of the ownership 10 of the site of any house or building which has been damaged or destroyed in the course of the recent disturbances for the purpose of enabling the house or building to be rebuilt or restored in such manner as will comply with the requirements of any byelaws of the corporation under the Public Health (Ireland) Acts, 1878 to 15 1907, as extended by this Act.

(2) The advance shall not exceed the difference between the amount which the Local Government Board certify to be the total cost of rebuilding or restoring the house or building in such manner as aforesaid and the amount of the compensation granted 20 out of public moneys in respect of the destruction or damage of or to the house or building, and no advance shall be made unless such compensation has been granted and unless the Local Government Board certify that the advance is necessary for the purpose aforesaid. 25

(3) The advance shall be repayable within such period, with interest at such rate and by such instalments or otherwise as may be agreed upon subject to the sanction of the Local Government Board, but the term of repayment shall not exceed thirty years from the date of the advance, and the rate of 30 interest shall not be more than ten shillings above the rate at which the corporation can at the date of the advance borrow money for the purpose from the Commissioners of Public Works in Ireland. Provided that in the case of an advance in several sums successively the foregoing provisions as to the term of 35 repayment and as to the rate of interest shall have effect as respects each sum advanced as if it were a separate advance.

(4) The repayment of the advance and interest as aforesaid shall be secured by a mortgage of the site of the house or building in such form as may be approved by the 40 Local Government Board. The mortgage may contain provisions for authorising the advance to be made in several

A.D. 1916.

sums successively as the works of rebuilding or restoration proceed, and for ensuring that the advance will be applied in defraying the expenses of those works and such other provisions as the Board deem necessary, and no money shall be advanced unless and until the Board certify that they are satisfied that the value of the estate or interest assured by the mortgage is sufficient security for the repayment of the advance and that the title to the estate or interest so assured is one which an ordinary mortgagee would be willing to accept.

10 (5) The corporation may exercise all the powers and remedies for recovery of the principal money and interest which are expressed in the mortgage or implied therein by law.

(6) In this section the expression "ownership" in relation to the site of a house or building means such interest or combination of interests as constitutes an estate in fee simple or fee farm in possession or a leasehold interest in possession of at least sixty years unexpired at the date of the mortgage.

4.—(1) At any time after the expiration of two years from the passing of this Act, if it appears to the Local Government Board, on the application of the corporation, that the rebuilding or restoration of a house or building destroyed or damaged in the course of the recent disturbances has not been commenced or, although commenced, has been discontinued, the Board may, unless they are satisfied that the rebuilding or restoration will be completed within a reasonable time, make an order authorising the corporation to acquire the site thereof.

Acquisition
of derelict
premises by
the corpora-
tion.

(2) Applications under this section shall be made in such manner and after publication and service of such notices as may be prescribed, and before making an order the Board shall consider any objections which may be made thereto by any persons interested in the site.

(3) When an order is made under this section the corporation shall have power to acquire the site specified in the order under the Public Health (Ireland) Acts, 1878 to 1907, as amended by this Act, in like manner as if it were land required for the purpose of improving a street, and may sell, let, or otherwise dispose of the same when acquired in such manner as may be sanctioned by the Local Government Board.

40 5.—(1) The expenses of the corporation in the execution of this Act shall be defrayed out of the rate or fund applicable to [§2]

Expenses
and borrow-
ing, &c.

4 *Dublin Reconstruction (Emergency Provisions)*. [6 & 7 Geo. 5.]

A.D. 1916. the purposes of the Public Health (Ireland) Acts, 1878 to 1907, and the corporation may borrow for any of the purposes of this Act in like manner as they may borrow for the purposes of those Acts, but money so borrowed shall not be reckoned as part of the debt of the corporation within the meaning of the limitation on borrowing imposed by subsection (2) of section two hundred and thirty-eight of the Public Health (Ireland) Act, 1878.

(2) The Commissioners of Public Works in Ireland may lend money to the corporation for any of the purposes of this Act in like manner as they may lend money for the purposes of the Public Health (Ireland) Acts, 1878 to 1907.

(3) The validity of the proceedings of the corporation in the execution of this Act shall not be questioned on the ground solely that the requirements of any standing order of the corporation have not been complied with.

Interpreta-
tion.

6. In this Act, unless the context otherwise requires—
the expression "Local Government Board" means the Local Government Board for Ireland;
the expression "prescribed" means prescribed by the Local Government Board; and
the expression "site" includes buildings and other structures on, in, or under the surface.

Short title.

7. This Act may be cited as the Dublin Reconstruction (Emergency Powers) Act, 1916.

S C H E D U L E.

A.D. 1916.

PROVISIONS AS TO THE COMPULSORY ACQUISITION OF LAND
BY THE CORPORATION.

1. The corporation where they propose to purchase land compulsorily under this Act may submit to the Board an order authorising the corporation to put in force as respects the land specified in the order the provisions of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

2. An order under this schedule shall be of no force unless and until it is confirmed by the Board, and the Board may confirm the order either without modification or subject to such modifications as they think fit, and an order so confirmed shall become final and have effect as if enacted in this Act; and the confirmation by the Board shall be conclusive evidence that the requirements of this Act have been complied with, and that the order has been duly made, and is within the powers of this Act.

3. The order shall be in the prescribed form, and shall contain such provisions as the Board may prescribe for the purpose of carrying the order into effect, and shall incorporate, subject to the necessary adaptations, the Lands Clauses Acts as defined in this schedule.

4. The order shall be published by the corporation in the prescribed manner, and such notice shall be given both in the locality in which the land is proposed to be acquired, and to the owners, lessees, and occupiers of that land as may be prescribed.

25 5. If within the prescribed period no objection to the order has been presented to the Board by a person interested in the land, or if every such objection has been withdrawn, the Board shall, without further inquiry, confirm the order, but if such an objection has been presented, and has not been withdrawn, the Board shall forthwith direct a local inquiry as to the propriety of confirming the order, and the corporation and all persons interested in the land and such other persons as the person holding the inquiry in his discretion thinks fit to allow shall be permitted to appear and be heard at the inquiry. Before confirming the order the Board shall consider the report of the person who held the inquiry and all objections made thereto.

6 Dublin Reconstruction (Emergency Provisions). [6 & 7 Geo. 5.]

A.D. 1916.

6. The arbitrator appointed for the purpose of settling compensation shall, in addition to his powers under the Acts incorporated in the order, have power—

- (a) to state his award or any part thereof in the form of a special case for the opinion of the High Court on a question 5 of law under section eight of the Common Law Procedure Amendment Act (Ireland), 1856, and, on the application of the corporation,
- (b) to order works to be executed by the corporation for the accommodation of adjoining lands or buildings either instead 10 of or in addition to the payment of compensation.

7. In determining the amount of compensation payable to any person interested in the land, the arbitrator shall have regard to the extent to which any adjoining or neighbouring land or hereditaments in which the same person is also interested may be benefitted by the 15 improvements to be made by the corporation on or in connection with the land taken or any adjoining or neighbouring land.

8. In construing for the purposes of this schedule or any order made thereunder, any enactment incorporated with the order, this Act together with the order shall be deemed to be the special Act or 20 the confirming Act as the case requires, the confirmation of the order to be the passing of the confirming Act, the Board to be the confirming authority, and the corporation to be the promoters of the undertaking, the company, local authority, or district council as the case requires.

9. In this schedule the expression "Board" means the Local Government Board, and the expression "Lands Clauses Acts" means the Lands Clauses Acts as amended by section eight of the Public Health (Ireland) Act, 1896, and by section eleven of the Labourers (Ireland) Act, 1906.

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[To be substituted for
Instrument of Bill
previously delivered.]

Dublin Reconstruction (Emergency Provisions).

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Presented by Mr. Secretary Samuel,
supported by
Mr. Attorney-General for Ireland.

Ordered, by The House of Commons, to be Printed,
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[BILL 82] ←

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[Bill 62]